



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC #
#7

In re application)
Inventor(s): Beatty, et al.)
SC/Serial No.: 10/059,942)
Filed: January 28, 2002)
Title: Method of Manufacturing a)
Fluid Ejection Device with a)
Fluid Channel Therethrough)

PATENT APPLICATION

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Trademarks, Washington, D.C. 20231, on 3-29-02.

Steven J. Adamson, Reg. No. 32,776
Signature Date: 3-29-02

(Attorney Signature)

PETITION FOR MERGER OF TWO APPLICATION FILINGS

Assistant Commissioner for Patents
Box DAC (Office of Petitions)
Washington, D.C. 20231

Dear Sir or Madam:

Applicant hereby petitions the Assistant Commissioner to
merge Application Serial Number 10/059,942 and Application
Serial Number 10/060,035.

Application Serial Number 10/059,942 was filed on January
28, 2002, as a continuation of Application Serial Number
09/378,230. In this filing, a Request for Continuation
Application, Declaration and Preliminary Amendment were
provided. The specification (the prior application) was
inadvertently omitted.

Shortly after mailing the filing that became Ser. No.
10/059,942, the omitted specification was discovered and mailed
the same day using the Express Mail provisions of 37 C.F.R.
§1.10. This second mailing included the specification and a
transmittal entitled "Transmittal of Prior Application for

04/09/2002 SLUANG1 00000004 10059942

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Continuation Application Filed Today." A copy of this Transmittal and the accompanying postcard are enclosed.

The Transmittal described the earlier filing with omitted specification and stated that the enclosed specification was the omitted specification, thus rendering the earlier Request for Continuation Application complete. The second filing was effectively a Missing Parts submission mailed before a Notice of Missing Parts was generated. Accordingly, the date accorded Ser. No. 10/059,942 should be the date of transmittal of the second filing which was January 28, 2002.

The second filing which was assigned Ser. No. 10/060,035 was apparently mistaken as a new, independent application and not as a transmittal of a specification for a previously filed application.

Accordingly, Applicant **petitions** the Assistant Commissioner to merge Ser. Nos. 10/059,942 and 10/060,035, to achieve a single application that was complete on January 28, 2002, and should be awarded that filing date.

Note that in Ser. No. 10/059,942, the earlier submitted filing, the PTO printed a filing date of January 29, 2002. Applicant also **petitions** the Assistant Commissioner to correct the filing date of 10/059,942 to the date of January 28, 2002.


A petition fee of \$130.00 (37 C.F.R. §17(h)) is provided herewith. Applicant requests a refund of the petition fee to the below identified Deposit Account in the name of the undersigned.

Should the Petitions Office believe that a telephone conference would help further resolution of the present matter, the Office is requested to contact the undersigned at the listed number.

The Commissioner is authorized to charge any underpayment or credit any overpayment associated with this communication to Deposit Account No. 01-0272. A duplicate copy of this authorization is enclosed.

Respectfully submitted
on behalf of Applicant,

date: 3-29-02

by: 
Steven J. Adamson
Reg. No. 32,776

Steven J. Adamson, PC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application) PATENT
Inventor(s): Beatty, et al.) APPLICATION
Serial No.: Unknown) Examiner: S. Ahmed
Filed: Herewith) Art Unit: 1746
Title: Method of Manufacturing a)
Fluid Ejection Device with a)
Fluid Channel Therethrough)

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"
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I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to Commissioner of Patents and Trademarks, Washington, DC 20231 and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

Steven J. Adamson, Reg. No. 32,776
Signature Date: January 28, 2002

(Attorney Signature)

TRANSMITTAL OF PRIOR APPLICATION FOR
CONTINUATION APPLICATION FILED TODAY

Commissioner of Patents and Trademarks
Washington, DC 20231

Sir or Madam:

Earlier today, a Request for Continuation Application having attorney docket number 10970794 was filed. The request is for a continuation of application SN 09/378,230, filed August 19, 1999, and having the above title. A copy of the Request for Continuation Application is enclosed.

A copy of the prior application was inadvertently not included with the other documents that accompanied the Request. Accordingly, transmitted herewith is that copy of the prior application, including the drawings.


Applicants respectfully submit that the application transmitted herewith fulfills the filing requirements for a continuation application.

Attorney Docket No.:
Doc't No:

Should the Examiner have questions or comments regarding this submission or believe that a telephone conference would help further prosecution, the Examiner is invited to contact the undersigned at the listed phone number. The Commissioner is hereby authorized to charge underpayment of any fees (including any filing fees under 37 C.F.R. \$1.16 for additional claims and any patent application processing fees under 37 C.F.R. \$1.17 including any fee for extension of time) associated with this communication or credit any overpayment to Deposit Account No. 01-0272. A duplicate copy of this authorization is enclosed.

Respectfully Submitted,

Date: 1 - 28 - 02


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Please acknowledge the receipt of the following documents(s) re U.S. Patent Application

SN: _____; Docket No.: 10970794

Filed: _____

Inventor(s): Beatty et al

_____ Transmittal letter

_____ Response to Office Action date mailed _____

_____ Petition for Extension of Time

_____ Check no. _____ for \$ _____

_____ Issue fee transmittal letter

_____ Formal drawings transmittal letter

✓ Other: Transmitted of Prior Application for

Cont. App. filed today 1-28-02



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